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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/897,518	07/02/2001	David James Stevenson	01-491	2537

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EXAMINER	
MEUCCI, MICHAEL D	

ART UNIT	PAPER NUMBER
2142	

DATE MAILED: 10/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/897,518	STEVENSON ET AL.	
	Examiner	Art Unit	
	Michael D. Meucci	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 August 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,4-6,8,12-21 and 23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,4-6,8,12-21 and 23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *24 September 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to the request for reconsideration filed 17 August 2006.

2. Claims 1, 4-5, 8, 12-21, and 23 remain pending. Claims 2-3, 7, 9-11, 22, and 24 were previously cancelled.

Claim Objections

3. Claims 8, 13, 16, and 19 objected to because of the following informalities: the if/then statements in the claims render the claims unclear. Appropriate correction is required.

4. Claim 20 is objected to because it is unclear to the examiner whether the first and/or second preceding time is required to be immediately preceding the predetermined time period. For the purpose of examination, it will be presumed by the examiner that the applicant meant to specify --the first **or** second-- preceding time period. Correction is required.

5. It is unclear to the examiner what statutory category of patentability is warranted by claim 21. Both an apparatus (computer readable medium) and a method are disclosed wherein only one statutory category of invention is allowed per claim. If the applicant desires to claim the apparatus capable of performing the method, the applicant is required to incorporate the method steps in their entirety.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 1, 8, 13, 16, and 19 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. The language of claim 1 is indefinite and unclear because of the if/then terminology. The examiner suggests rewording the claim to read: --logging the event as a recurring event when a predetermined number of equivalent SNMP events have been generated in a preceding time period--. Similar corrections are suggested for the remainder of the claim. Correction is required.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 1, 4-6, 8, 12-21, and 23 rejected under 35 U.S.C. 103(a) as being unpatentable over Bell et al. (U.S. 5,223,827) hereinafter referred to as Bell in view of Andersen (U.S. 6,434,715 B1) and Vaid et al. (U.S. 6,502,131 B1) hereinafter referred to as Vaid.

a. As per claims 1, 21, and 23 Bell teaches: receiving network management data relating to an event condition (lines 15-24 of column 1 and line 56 of column 3 through line 5 of column 4); determining whether a predetermined number of equivalent

event shave been generated in a preceding time period (line 54 of column 1 through line 12 of column 2); and if so generating a recurring event (abstract and lines 15-62 of column 1).

Bell does not explicitly teach: determining whether the event is presently indicated to be a recurring event, and if not, then logging the event as a recurring event if a predetermined number of equivalent SNMP events have been generated in a preceding time period.. However, Andersen discloses: "A limit may be set as to how many repeats should be observed before a repeat event/message is generated. Similarly a limit may be programmed in as to how many repeat events/messages should be generated regardless of the number of observations made," (lines 58-62 of column 3).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to receive data relating to a subsequent occurrence of the recurring event, and prevent a subsequent event from being presented in the event list to the user. "This information is useful as an aid in determining the cause or root (i.e., systemic root cause) of these events as such would otherwise be difficult to determine," (line 67 of column 3 through line 3 of column 4 in Andersen) and "By identifying repeating fault events automatically, these systemic fault conditions may be predicted, detected, and corrected before a major fault event occurs," (lines 16-19 of column 4 in Andersen). It is for these reasons that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to receive data relating to a

subsequent occurrence of the recurring event, and prevent a subsequent event from being presented in the event list to the user in the system as taught by Bell.

Bell does not explicitly teach: if the event is presently indicated to be a recurring event, then verifying that the event should remain a recurring event by confirming that a predetermined number of equivalent SNMP events have been generated in the preceding time period and if so verified, then preventing the event from being presented in the event list to the user and if not verified, then logging the event as a normal event. However, Andersen discloses: "For each such event that is detected by the intelligent electronic device the systemic fault detection algorithm logs the occurrence of the event. Optionally, the algorithm may also log the date and time of the event. The algorithm determines if this particular fault type (or event type) has occurred before (e.g., the same type of fault on the same phase). If such a fault has occurred before, the time since the last such fault occurrence and the total number of such fault type occurrences are determined. This is then compared against the user-input number of events and/or time frequency specified to merit the generation of a repeat event," (lines 8-18 of column 2).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to determine that if the event is presently indicated to be a recurring event, then verifying that the event should remain a recurring event by confirming that a predetermined number of equivalent SNMP events have been generated in the preceding time period and if so verified, then preventing the event from being presented in the event list to the user and if not verified, then logging the event as

a normal event. Meriting the generation of a repeat event (line 18 of column 2 in Andersen) is where motivation lies for this determination and logging of the event as a normal event. It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to determine that if the event is presently indicated to be a recurring event, then verifying that the event should remain a recurring event by confirming that a predetermined number of equivalent SNMP events have been generated in the preceding time period and if so verified, then preventing the event from being presented in the event list to the user and if not verified, then logging the event as a normal event in the system as taught by Bell.

Bell does not explicitly teach: SNMP events. The combination of Bell and Andersen teach all of the limitations of the instant application with regards to generic events, and the examiner contends that the type of event is arbitrary. In any case, Vaid discloses: "Alarms and notifications can also be specified, in order to determine which events will trigger an alarm, at what threshold, and in what form e.g. email notification, pager message, SNMP trap, log entry and so on," (lines 52-55 of column 27). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to include SNMP events. "Additionally, the directory access interfaces with management stations network services 1811 through SNMP," (lines 3-5 of column 27 in Vaid). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to include SNMP events in the system as taught by Bell and Andersen.

b. As per claim 4, Bell does not explicitly teach: adding a time stamp to the event data of the recurring event, the time stamp indicating the time of the subsequent occurrence of the event condition. However, Andersen discloses: "Optionally, the algorithm may also log the date and time of the event," (lines 10-11 of column 2).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to add a time stamp to the event data of the recurring event, with the time stamp indicating the time of the subsequent occurrence of the event condition. "The algorithm determines if this particular fault type (or event type) has occurred before (e.g., the same type of fault on the same phase). If such a fault has occurred before, the time since the last such fault occurrence and the total number of such fault type occurrences are determined. This is then compared against the user-input number of events and/or time frequency specified to merit the generation of a repeat event," (lines 11-18 of column 2 in Andersen). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to add a time stamp to the event data of the recurring event, with the time stamp indicating the time of the subsequent occurrence of the event condition in the system as taught by Bell.

c. As per claim 5, Bell teaches: the preceding time period is an immediately preceding time period (abstract and lines 45-62 of column 1).

d. As per claim 6, Bell teaches: data relating to an event is recorded in an event storage.

Bell fails to teach: recorded event data includes the time of the event; and the step of determining whether a predetermined number of equivalent events have been

generated in a preceding time period comprising: determining the number of equivalent events in the event storage having a time within the predetermined time period, and comparing the determined number with the predetermined number. However, Andersen discloses: "Optionally, the algorithm may also log the date and time of the event," (lines 10-11 of column 2); and "A limit may be set as to how many repeats should be observed before a repeat event/message is generated. Similarly a limit may be programmed in as to how many repeat events/messages should be generated regardless of the number of observations made. This information may be displayed at the trip unit 30 or at a central computer (not shown). This may be displayed (or printed) in the form of a log or by type of event along with the number of repeat events, the time since the prior event occurrence and/or the frequency of such event occurrences," (lines 62-67 of column 3).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have recorded event data include the time of the event; and the step of determining whether a predetermined number of equivalent events have been generated in a preceding time period comprising: determining the number of equivalent events in the event storage having a time within the predetermined time period, and comparing the determined number with the predetermined number. "The algorithm determines if this particular fault type (or event type) has occurred before (e.g., the same type of fault on the same phase). If such a fault has occurred before, the time since the last such fault occurrence and the total number of such fault type occurrences are determined. This is then compared against the user-input number of events and/or

time frequency specified to merit the generation of a repeat event," (lines 11-18 of column 2 in Andersen).

It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to have recorded event data include the time of the event; and the step of determining whether a predetermined number of equivalent events have been generated in a preceding time period comprising: determining the number of equivalent events in the event storage having a time within the predetermined time period, and comparing the determined number with the predetermined number in the system as taught by Bell.

e. As per claim 8, Bell teaches: receiving network management data relating to an event condition (lines abstract and 15-24 of column 1); and determining whether the monitored characteristic for the event condition is in a recurring state, and processing the data according to whether the monitored characteristic for the event condition is in a recurring state (abstract and lines 15-62 of column 1).

f. As per claim 11, Bell does not explicitly teach: determining whether the event condition has occurred more than the first predetermined number of times in the first preceding time period, and if so, preventing the received data relating to the event condition from being presented in the event list to the user. However, Andersen discloses: "A limit may be set as to how many repeats should be observed before a repeat event/message is generated. Similarly a limit may be programmed in as to how many repeat events/messages should be generated regardless of the number of observations made," (lines 58-62 of column 3).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to determine whether the event condition has occurred more than the first predetermined number of times in the first preceding time period, and if so, preventing the received data relating to the event condition from being presented in the event list to the user. "This information is useful as an aid in determining the cause or root (i.e., systemic root cause) of these events as such would otherwise be difficult to determine," (line 67 of column 3 through line 3 of column 4 in Andersen) and "By identifying repeating fault events automatically, these systemic fault conditions may be predicted, detected, and corrected before a major fault event occurs," (lines 16-19 of column 4 in Andersen).

It is for these reasons that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to determine whether the event condition has occurred more than the first predetermined number of times in the first preceding time period, and if so, preventing the received data relating to the event condition from being presented in the event list to the user in the system as taught by Bell.

g. As per claim 12, Bell does not explicitly teach: adding the time of the received data relating to the event condition to event data of the event in the recurring state.

However, Andersen discloses: "Optionally, the algorithm may also log the date and time of the event," (lines 10-11 of column 2).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to add the time of the received data relating to the event condition to event data of the event in the recurring state. "The algorithm determines if this particular fault type (or event type) has occurred before (e.g., the same type of fault on the same phase). If such a fault has occurred before, the time since the last such fault occurrence and the total number of such fault type occurrences are determined. This is then compared against the user-input number of events and/or time frequency specified to merit the generation of a repeat event," (lines 11-18 of column 2 in Andersen).

It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to add the time of the received data relating to the event condition to event data of the event in the recurring state in the system as taught by Bell.

h. As per claim 13, Bell teaches: if it is determined that the event condition has not occurred more than the first predetermined number of times in the first immediately preceding time period, the method further comprises generating an event for presentation in the event list to the user (abstract and lines 15-62 of column 1).

i. As per claim 14, Bell teaches: the generated event is not a recurring event (abstract and lines 34-50 of column 2).

j. As per claim 15, Bell teaches: wherein if it is determined that the monitored characteristic for the event condition is not in a recurring state, the method further comprises determining whether a second predetermined number of equivalent

events have been generated in a second preceding time period (line 51 of column 2 through line 12 of column 3).

k. As per claim 16, Bell teaches: generating a recurring event if it is determined that the second predetermined number of equivalent event have been generated in the second preceding time period (abstract and lines 15-62 of column 1).

l. As per claim 17, Bell does not explicitly teach: preventing a subsequent event from being presented in the event list to the user following a subsequent occurrence of the event condition. However, Andersen discloses: "A limit may be set as to how many repeats should be observed before a repeat event/message is generated. Similarly a limit may be programmed in as to how many repeat events/messages should be generated regardless of the number of observations made," (lines 58-62 of column 3).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to prevent a subsequent event from being presented in the event list to the user following a subsequent occurrence of the event condition. "This information is useful as an aid in determining the cause or root (i.e., systemic root cause) of these events as such would otherwise be difficult to determine," (line 67 of column 3 through line 3 of column 4 in Andersen) and "By identifying repeating fault events automatically, these systemic fault conditions may be predicted, detected, and corrected before a major fault event occurs," (lines 16-19 of column 4 in Andersen).

It is for these reasons that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to prevent a subsequent event from

being presented in the event list to the user following a subsequent occurrence of the event condition in the system as taught by Bell.

m. As per claim 18, Bell does not explicitly teach: adding a time stamp to the event data of the recurring event, the time stamp indicating the time of the subsequent occurrence of the event condition. However, Andersen discloses: "Optionally, the algorithm may also log the date and time of the event," (lines 10-11 of column 2).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to add a time stamp to the event data of the recurring event, with the time stamp indicating the time of the subsequent occurrence of the event condition. "The algorithm determines if this particular fault type (or event type) has occurred before (e.g., the same type of fault on the same phase). If such a fault has occurred before, the time since the last such fault occurrence and the total number of such fault type occurrences are determined. This is then compared against the user-input number of events and/or time frequency specified to merit the generation of a repeat event," (lines 11-18 of column 2 in Andersen).

It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to add a time stamp to the event data of the recurring event, with the time stamp indicating the time of the subsequent occurrence of the event condition in the system as taught by Bell.

n. As per claim 19, Bell teaches: if it is determined that the second predetermined number of equivalent events have not been generated in the second

preceding time period, the method further comprises generating an event for presentation in the event list to the user (abstract and lines 15-62 of column 1).

o. As per claim 20, Bell teaches: the first and/or second preceding time period is an immediately preceding time period (abstract and lines 45-62 of column 1).

Response to Arguments

10. Applicant's arguments filed 17 August 2006 have been fully considered but they are not persuasive.

11. (A) Regarding claims 1 and 21, the applicant argues that the references do not teach the steps of determining whether the event is already in a recurring stat and verifying that the recurrent status is still warranted. The examiner respectfully disagrees.

As to point (A), not only is there no reasoning given which warrants the addition of this newly claimed subject matter, the applicant makes no distinction of the subject matter over the prior art and provides no support for these general allegations. See rejection of claims 1 and 21 above for reasoning.

12. (B) Regarding claim 8, the applicant argues that the references do not teach the steps of determining that the event is in a recurrent state followed by a separate verification step. The examiner respectfully disagrees.

As to point (B), again the applicant makes no distinction of the subject matter over the prior art and provides no support for these general allegations. See rejection of claim 8 above for reasoning.

Conclusion

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Allavarpu et al. (U.S. 7,010,586 B1) discloses event subscription and notification.

Khanolkar et al. (U.S. 7,127,743 B1) discloses security platform for network managers including event notification and thresholds.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Meucci at (571) 272-3892. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell, can be reached at (571) 272-3868. The fax phone number for this Group is 571-273-8300.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [michael.meucci@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BEATRIZ PRIETO
PRIMARY EXAMINER